

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

No. 1719

---

Introduced by Assembly Member ~~Members~~ *Weber and Buchanan*

February 13, 2014

---

~~An act to amend Section 51200 of the Education Code, relating to school curriculum.~~ *An act to amend Section 37202 of, to amend and repeal Sections 8973, 46111, 46117, 46118, and 46119 of, and to amend, repeal, and add Sections 46112 and 46114 of, the Education Code, relating to kindergarten.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 1719, as amended, ~~Buchanan~~ *Weber*. ~~School curriculum: required courses of study.~~ *Full-day kindergarten.*

*Existing law provides that school districts offering kindergarten may maintain kindergarten classes at different schoolsites for different lengths of time.*

*This bill would require, commencing with the 2017–18 school year, school districts offering kindergarten to implement a full-day kindergarten program, thereby imposing a state-mandated local program. The bill would permit a school to postpone implementation of a full-day kindergarten if its governing board approves the postponement. The bill would require the governing board of the school district to submit the reasons for the postponement to the State Department of Education within one month of the vote. The bill would provide that a minimum schoolday for full-day kindergarten is 230 minutes, as specified. The bill would provide that a school district that has postponed implementation of the full-day kindergarten requirement has a minimum schoolday of 180 minutes.*

*This bill also would make conforming changes to other provisions of existing law.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law prescribes the required courses of study for grades 1 to 12, inclusive.~~

~~This bill would make a nonsubstantive change in those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*

3     *(a) All California public school kindergarten pupils deserve the*  
4     *opportunity to maximize their growth, development, and success*  
5     *at this critical time in their developmental process.*

6     *(b) Full-day kindergarten provides this opportunity through a*  
7     *longer instructional day that has proven to be successful where it*  
8     *has been implemented. School districts can obtain an example of*  
9     *an extended kindergarten curriculum to help them more easily*  
10    *transition to the program. One example curriculum that was*  
11    *designed for a full-day kindergarten program is available through*  
12    *the Los Angeles Unified School District, which has already*  
13    *implemented a full-day program.*

14    *(c) Full-day kindergarten should provide time to meet the*  
15    *developmentally based instructional needs of the whole child. It*  
16    *should encompass all curricular areas, including visual and*  
17    *performing arts and physical education, as outlined in the state*  
18    *adopted curriculum frameworks.*

19    *(d) In addition, full-day kindergarten must be a priority for*  
20    *school districts and reserving or obtaining space for the full-day*  
21    *kindergarten program must take precedence over all nonclass*  
22    *requirements.*

1     (e) However, some school districts may face difficulties in  
2     transitioning to a full-day kindergarten program and these school  
3     districts must be provided with the necessary time to achieve  
4     readiness.

5     SEC. 2. Section 8973 of the Education Code is amended to  
6     read:

7     8973. (a) Notwithstanding any other ~~provision of~~ law, the  
8     kindergarten schoolday in an early primary program conducted  
9     pursuant to Section 8972 may exceed four hours, exclusive of  
10    recesses, provided that both of the following conditions are met:

11    ~~(a)~~  
12    (1) The governing board of a school district declares that the  
13    extended-day kindergarten program does not exceed the length of  
14    the primary schoolday.

15    ~~(b)~~  
16    (2) The extended-day kindergarten program takes into account  
17    ample opportunity for both active and quiet activities within an  
18    integrated, experiential, and developmentally appropriate  
19    educational program.

20    (b) This section shall become inoperative on July 1, 2017, and  
21    as of January 1, 2018, is repealed, unless a later enacted statute  
22    that becomes operative on or before January 1, 2018, deletes or  
23    extends the dates on which it becomes inoperative and is repealed.

24    SEC. 3. Section 37202 of the Education Code is amended to  
25    read:

26    37202. (a) Except if a school has been closed by order of a  
27    city or a county board of health, or of the State Board of Health,  
28    on account of contagious disease, or if the school has been closed  
29    on account of fire, flood, or other public disaster, the governing  
30    board of a school district shall maintain all of the elementary day  
31    schools established by it for an equal length of time during the  
32    school year and all of the day high schools established by it for an  
33    equal length of time during the school year.

34    (b) Notwithstanding subdivision (a), a school district that is  
35    implementing an early primary program, pursuant to Chapter 8  
36    (commencing with Section 8970) of Part 6, may maintain  
37    kindergarten classes at different schoolsites within the district for  
38    different lengths of time during the ~~schoolday~~ schoolday, except  
39    as provided in subdivision (c).

1 (c) Commencing with the 2017–2018 school year, each school  
2 district shall implement a full-day kindergarten program.

3 (d) A school district that determines that it cannot comply with  
4 requirement in subdivision (c) may, after deliberation and vote of  
5 its governing board, postpone the requirement of subdivision (c).  
6 The reasons for the postponement, if approved by the governing  
7 board of the school district, shall be submitted to the department  
8 within one month of the vote.

9 (e) For purposes of this section, “full-day kindergarten” means,  
10 except as otherwise provided in this chapter, instruction provided  
11 for a minimum of 230 minutes per schoolday, exclusive of noon  
12 intermissions, but inclusive of recesses, in accordance with Section  
13 46115.

14 (f) It is the intent of the Legislature that the governing board of  
15 a school district develop the implementation plan for full-day  
16 kindergarten pursuant to this section in consultation with affected  
17 employee representatives and parents.

18 SEC. 4. Section 46111 of the Education Code is amended to  
19 read:

20 46111. (a) (1) ~~No~~A pupil in a kindergarten shall *not* be kept  
21 in school in any day more than four hours exclusive of ~~recesses~~  
22 recesses, except for pupils in Early Primary Programs, as set forth  
23 in Chapter 8 (commencing with Section 8970) of Part 6.

24 (2) A pupil in a kindergarten in a school operating on a program  
25 of multitrack year-round scheduling pursuant to subdivision (a)  
26 of Section 37670 may be kept in school on any day for 265 minutes  
27 of instruction, exclusive of recesses.

28 (b) This section ~~shall~~ *does* not apply to the Pasadena Unified  
29 School District or counties of the third class as determined pursuant  
30 to Section 28024 of the Government Code, as it read on January  
31 1, 1977.

32 (c) This section ~~shall~~ *does* not apply to a pupil of the San  
33 Bernardino Unified School District ~~with regard to any pupil of~~  
34 ~~that district~~ who is determined by the principal of the school in  
35 which that pupil is enrolled, pursuant to testing, teacher  
36 recommendation, or both, to be developmentally and academically  
37 suited for ~~the~~ a longer instructional day.

38 (d) This section shall become inoperative on July 1, 2017, and  
39 as of January 1, 2018, is repealed, unless a later enacted statute

1 *that becomes operative on or before January 1, 2018, deletes or*  
2 *extends the dates on which it becomes inoperative and is repealed.*

3 *SEC. 5. Section 46112 of the Education Code is amended to*  
4 *read:*

5 46112. (a) The minimum schoolday in grades 1, 2, and 3 in  
6 elementary schools, except in opportunity schools, classes, or  
7 programs, is 230 minutes, except ~~where~~ *if* the governing board of  
8 a school district has prescribed a shorter length for the schoolday  
9 because of lack of school facilities ~~which~~ *that* requires double  
10 sessions, in which case the minimum schoolday in ~~such~~ *those*  
11 grades shall be 200 minutes.

12 (b) *This section shall become inoperative on July 1, 2017, and*  
13 *as of January 1, 2018, is repealed, unless a later enacted statute*  
14 *that becomes operative on or before January 1, 2018, deletes or*  
15 *extends the dates on which it becomes inoperative and is repealed.*

16 *SEC. 6. Section 46112 is added to the Education Code, to read:*

17 46112. (a) The minimum schoolday in grades 1, 2, and 3 in  
18 elementary schools, except in opportunity schools, classes, or  
19 programs, is 230 minutes, except *if* the governing board of a school  
20 district has prescribed a shorter length for the schoolday because  
21 of lack of school facilities that requires double sessions, in which  
22 case the minimum schoolday in those grades is 200 minutes.

23 (b) *The minimum schoolday in kindergarten in elementary*  
24 *schools is 230 minutes, except where the governing board of a*  
25 *school district has voted to postpone that minimum schoolday*  
26 *pursuant to subdivision (d) of Section 37202, in which case the*  
27 *minimum schoolday in kindergarten shall be 180 minutes.*

28 (c) *This section shall become operative on July 1, 2017.*

29 *SEC. 7. Section 46114 of the Education Code is amended to*  
30 *read:*

31 46114. (a) The minimum schoolday in a kindergarten  
32 implementing the full-day kindergarten program required by  
33 subdivisions (c) and (e) of Section 37202 and in grades 1, 2, and  
34 3 in elementary schools may be computed by determining the  
35 number of minutes of attendance in any 10 consecutive schooldays  
36 and dividing that number by 10. If the resulting quotient is 230 or  
37 more, the pupils shall be deemed to have complied with Section  
38 46112, even if the number of minutes attended in any one  
39 schoolday is less than 230, but not less than 170.

(b) The minimum schoolday in grades 4, 5, 6, 7, and 8 in elementary schools may be computed by determining the number of minutes of attendance in any 10 consecutive schooldays and dividing that number by 10. If the resulting quotient is 240 or more, the pupils shall be deemed to have complied with Section 46113, even if the number of minutes attended in any one schoolday is less than 240, but not less than 180.

(c) The minimum schoolday in kindergarten in elementary schools *that are not implementing the full-day kindergarten program required by subdivision (c) of Section 37202* may be computed by determining the number of minutes of attendance in any 10 consecutive schooldays and dividing that number by 10. If the resulting quotient is 180 or more, pupils shall be deemed to have complied with Section 46117, even if the number of minutes attended in any one schoolday is less than 180, but not less than 60.

~~No~~

(d) A computation authorized by this section shall *not* result in any increase in state apportionments.

(e) *This section shall become inoperative on July 1, 2017, and as of January 1, 2018, is repealed, unless a later enacted statute that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.*

SEC. 8. Section 46114 is added to the Education Code, to read:

46114. (a) *The minimum schoolday in kindergarten and grades 1, 2, and 3 in elementary schools may be computed by determining the number of minutes of attendance in any 10 consecutive schooldays and dividing that number by 10. If the resulting quotient is 230 or more, the pupils shall be deemed to have complied with Section 46112, even if the number of minutes attended in any one schoolday is less than 230, but not less than 170.*

(b) *The minimum schoolday in grades 4, 5, 6, 7, and 8 in elementary schools may be computed by determining the number of minutes of attendance in any 10 consecutive schooldays and dividing that number by 10. If the resulting quotient is 240 or more, the pupils shall be deemed to have complied with Section 46113, even if the number of minutes attended in any one schoolday is less than 240, but not less than 180.*

(c) *The computation authorized by this section shall not result in any increase in state apportionments.*

1 *(d) This section shall become operative on July 1, 2017.*

2 *SEC. 9. Section 46117 of the Education Code is amended to*  
3 *read:*

4 46117. (a) The minimum schoolday for ~~pupils~~ *a pupil* in  
5 ~~kindergartens~~ *a kindergarten other than a kindergarten that is*  
6 *implementing the full-day kindergarten program required by*  
7 *subdivision (c) of Section 37202 is 180 minutes inclusive of*  
8 *recesses, and* ~~no units~~ *a unit* of average daily attendance shall not  
9 be credited for attendance in kindergarten classes if the minimum  
10 schoolday of ~~such~~ *those* classes is less than 180 minutes.

11 *(b) This section shall become inoperative on July 1, 2017, and*  
12 *as of January 1, 2018, is repealed, unless a later enacted statute*  
13 *that becomes operative on or before January 1, 2018, deletes or*  
14 *extends the dates on which it becomes inoperative and is repealed.*

15 *SEC. 10. Section 46118 of the Education Code is amended to*  
16 *read:*

17 46118. (a) A single-session kindergarten class shall meet all  
18 of the following criteria:

19 ~~(a)~~

20 *(1) The class is maintained for a minimum of 180 minutes per*  
21 ~~schoolday.~~ *schoolday, unless the kindergarten is implementing the*  
22 *full-day kindergarten program required by subdivision (c) of*  
23 *Section 37202.*

24 ~~(b)~~

25 *(2) The kindergarten class teacher is assigned to only one session*  
26 *of kindergarten daily as a principal teacher.*

27 ~~(c)~~

28 *(3) The kindergarten teacher is a full-time certificated employee.*

29 ~~(d)~~

30 *(4) The kindergarten teacher shall be available for assistance*  
31 *or assignment in the instructional program of the primary grades*  
32 *when not involved in the kindergarten program.*

33 *(b) This section shall become inoperative on July 1, 2017, and*  
34 *as of January 1, 2018, is repealed, unless a later enacted statute*  
35 *that becomes operative on or before January 1, 2018, deletes or*  
36 *extends the dates on which it becomes inoperative and is repealed.*

37 *SEC. 11. Section 46119 of the Education Code is amended to*  
38 *read:*

39 46119. (a) The governing board of a school district ~~which~~  
40 *that* has fewer than 40 pupils enrolled in kindergarten classes may

1 ~~make application~~ apply to the Superintendent of Public Instruction  
2 ~~requesting for~~ approval to maintain two kindergarten classes of  
3 150 minutes each inclusive of recesses on the same day ~~which that~~  
4 are taught by the same teacher. The average daily attendance for  
5 ~~such those~~ classes shall be adjusted by a multiplication factor of  
6 0.500.

7 *(b) This section shall become inoperative on July 1, 2017, and*  
8 *as of January 1, 2018, is repealed, unless a later enacted statute*  
9 *that becomes operative on or before January 1, 2018, deletes or*  
10 *extends the dates on which it becomes inoperative and is repealed.*

11 *SEC. 12. If the Commission on State Mandates determines*  
12 *that this act contains costs mandated by the state, reimbursement*  
13 *to local agencies and school districts for those costs shall be made*  
14 *pursuant to Part 7 (commencing with Section 17500) of Division*  
15 *4 of Title 2 of the Government Code.*

16 ~~SECTION 1. Section 51200 of the Education Code is amended~~  
17 ~~to read:~~

18 ~~51200. Except as otherwise provided, the provisions contained~~  
19 ~~in this chapter are the requirements for courses of study in grades~~  
20 ~~1 to 12, inclusive.~~